REMARKS

By this Amendment, Applicants amend claims 1 and 9, and cancel claims 8 and 16 without prejudice or disclaimer. Accordingly, claims 1-7 and 9-15 remain pending in this Application.

Applicants submit that the Examiner should enter this Amendment filed under 37 C.F.R. § 1.116, placing claims 1-7 and 9-15 in condition for allowance. Applicants submit that the proposed claim amendments do not raise new issues or require an additional search of the art by the Examiner since all of the claimed elements and their relationships were either earlier claimed or inherent in the claims as examined. Indeed, the proposed claim amendments were previously considered as part of dependent claims 8 and 17, now cancelled. This Amendment, therefore, allows for immediate action by the Examiner.

In the Office Action dated March 10, 2005, the Examiner: rejected claims 1-5, 7, 9-13, and 15 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,598,077 (Primak 1) and U.S. Patent No. 6,389,448 (Primak 2); rejected claims 6 and 14 under 35 U.S.C. § 103(a) as being unpatentable over Primak 1 and Primak 2 in view of U.S. Patent No. 6,128,279 (O'Neil); and rejected claims 8 and 16 under 35 U.S.C. § 103(a) as being unpatentable over Primak 1 and Primak 2 in view of U.S. Patent No. 5,606,679 (Cohn).[1] For the reasons below, Applicants disagree.

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[1] The Office Action also cites Nozaki (U.S. Patent No. 6,128,644) in the statements rejecting claims 6, 8, 14, and 16 under 35 U.S.C. § 103(a). (O.A. at pp. 9-10.) The citations to Nozaki, however, appear to be a typographical error as the Examiner does not rely upon it in the following paragraphs and further states on page 10 of the Office Action that the reference is "not relied upon." Accordingly, Applicants have not addressed the Nozaki reference in these Remarks.

Claim Rejections – 35 U.S.C. § 103

As noted above, claims 1-5, 7, 9-13, and 15 are rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Primak 1 and Primak 2. Applicants respectfully disagree because Primak 1 and Primak 2 do not teach each and every recitation of the claims.

Primak 1 discloses a web server system for routing stagnant and dynamic content from a web site 100. As described in Primak 1, the stagnant content includes HTML scripts, Java code, and the like, while the dynamic content "must be generated in real time." (Col. 1, lines 30-37.) The content requests are handled by web servers 20 and application servers 30. (Col. 8, lines 52-65.) The Primak 1 system, therefore, relates to a web system that is completely different than the claimed data file management system.

Primak 1, more specifically, fails to disclose several features of claims 1 and 9. First, Primak 1 does not disclose or suggest a plurality of file server devices performing only file input-output type functions, as recited in claims 1 and 9. Primak 1, in contrast, discloses application servers 30 or web servers 20. These servers do not perform only file input-output type functions. Rather, in Primak 1, the web servers 20 store HTML scripts, Java code, and other stagnant content (col. 1, lines 30-33) and the application servers 30 store dynamic content generated in real time (col. 1, lines 34-43.) Such servers of Primak 1 do not correspond to the file server devices as claimed.

Second, Primak 1 does not disclose or suggest file server devices performing a file transfer function with respect to a particular data file identified by the request, as recited in claims 1 and 9. As described above, Primak 1 discloses web servers 20 and

application servers 30. Neither the stagnant content or the dynamic content handled by servers 20, 30 concerns a data file. As described in the present application, a data file request may include the file name, address storage location of the file, and other information identifying the file. Further, the term "file" means a collection of data treated by a computer as a unit, especially for purposes of input and output. *See* Merriam-Webster On-Line Dictionary. The inputting and outputting of such data files is nowhere addressed in Primak 1, as it deals with the routing of web content.

Third, Primak 1 does not disclose or suggest a data share unit for preventing more than one of the plurality of file server devices from simultaneously accessing the same storage location of the server storage device, as recited in claim 1. Independent claim 9 recites similar limitations. Indeed, because Primak 1 does not even concern a data file management system, but a web server system 100 in which either stagnant web content or dynamic web content generated in real time is provided, there is no need to prevent multiple servers 20, 30 from simultaneously accessing a file at the same storage location.

As to the combination of Primak 1 with Primak 2, the Examiner also relies upon Primak 2 for the disclosure of a virtual address. (O.A. at ¶ 7.) Nothing in Primak 2, however, discloses or suggests the above deficiencies of Primak 1. Further, and contrary to the Examiner's assertions, Primak 2 does not teach or suggest a load balancer associated with a virtual address connection. In this regard, the Examiner relies upon router 30 as "analogous to a load balancer." (O.A. at p. 3.) Router 30, however, simply broadcasts data packets to servers 10. (Col. 3, lines 46-48; col. 5, lines 58-62.) It does not balance the load of servers 10. Rather, Primak 2 specifically

describes that is done by a load balancing module 12 "resident in each server 10," which is not associated with any virtual address connection. (Col. 3, lines 49-52.) Therefore, independent claims 1 and 9 are distinguished from Primak 1 and Primak 2 for at least the reasons set forth above.

Moreover, with regard to the feature of preventing more than one of the plurality of file server devices from simultaneously accessing the same storage location of the server storage device, as recited in claims 1 and 9, the Examiner relies upon Cohn. Cohn, however, merely discloses preventing multiple access to an internal cache 58 of a storage controller 18. (Col. 8, lines 2-7.) The Cohn reference has no disclosure of preventing multiple file server devices from simultaneously accessing the same storage location, as recited in claims 1 and 9. Accordingly, Applicants respectfully request that the rejection of claims 1 and 9 be withdrawn and the claims allowed.

The Examiner also rejected claims 6 and 14 under § 103(a) as being allegedly unpatentable over Primak 1, Primak 2, and O'Neil. However, claims 6 and 14 depend from claims 1 and 9, respectively. As explained above, claims 1 and 9 are distinguished from Primak 1 and Primak 2. Moreover, O'Neil is not relied upon to teach, and, in fact, do not teach or suggest the above-cited deficiencies of Primak 1, Primak 2, or Cohn. Therefore, claims 6 and 14 are distinguished from the cited references. Accordingly, Applicants respectfully request that the rejection of claims 6 and 14 be withdrawn and the claims allowed.

Finally, claims 2-5, 7 and 10-13, 15 depend from claims 1 and 9, respectively. Accordingly, for at least the same reasons set forth above in connection with claims 1 and 9, Primak 1, Primak 2, O'Neil, and Cohn, taken alone or in combination, fail to

disclose or suggest each and every recitation of dependent claims 2-5, 7, 10-13, and 15, and, thus, the rejection of those claims should be withdrawn.

Conclusions

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of pending claims 1-7 and 9-15.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: July 11, 2005

By: _____
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